

EXHIBIT B

**STATE OF MINNESOTA
COUNTY OF ANOKA****DISTRICT COURT
TENTH JUDICIAL DISTRICT**

State of Minnesota, by its Attorney
General, Keith Ellison,

Plaintiff,

v.

CenturyTel, Broadband Services, LLC,
d/b/a CenturyLink Broadband,
QuestBroadband Services, Inc., d/b/a
CenturyLink; and Qwest Corporation,
d/b/a CenturyLink QC,

Defendant.

**ORDER GRANTING
MOTION TO
AMEND SCHEDULING ORDER**

Court File No. 02-CV-17-3488

The above-entitled matter came before the Honorable Bethany A. Fountain Lindberg, Judge of District Court, at the Anoka County Courthouse in Anoka, Minnesota. On April 10, 2019, the parties appeared before the Court on Plaintiff's Motion to Amend the Scheduling Order. James Canaday, Esq. and Alex Baldwin, Esq., appeared on behalf of Plaintiff, State of Minnesota. David Aafedt, Esq. and Dana Moss, Esq. appeared on behalf of Respondent, CenturyTel, Broadband Services, LLC.

Based on the evidence presented, the arguments of counsel, and all of the files, records, and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. On July 12, 2017, the State of Minnesota (hereinafter, "the State") commenced this lawsuit for consumer fraud and deceptive trade practices with service of the Summons and Complaint on Defendants (hereinafter, "CenturyLink").
2. On November 17, 2017, the Court issued a Scheduling Order setting May 15, 2018, as the discovery deadline.
3. On March 1, 2018, the Court issued an Amended Scheduling Order based on the parties' stipulation. The parties agreed, and the Court ordered, that the deadline for "fact discovery to be completed shall be September 3, 2018." (Amend. Sched. Ord. ¶ 1). The Amended

Scheduling Order also provided “[d]ispositive motions shall be heard no later than November 9, 2018,” and “a non-jury trial . . . shall begin . . . on February 11, 2019. . .” (*Id.*).

4. On July 23, 2018, the Court issued an order mandating that both parties more fully comply with discovery within thirty-days.
5. Judge Meslow was assigned to this case from July 12, 2017, through February 11, 2018; Judge O’Fallon was assigned the case from February 18, 2018, through March 31, 2019. This Court was assigned the case on April 1, 2019.
6. The record indicates that the parties continued to be disgruntled over discovery, but the change in judicial assignments frustrated attempts to get back into court and communicate with the Court.
7. On September 25, 2018, the State filed and served its Notice of Motion and Motion to Amend the Scheduling Order based on CenturyLink’s failure to comply with the Court’s July 23, 2018, order and its failure to fully respond to the discovery in this case.
8. On June 10, 2019, the Court granted the State’s motion to amend the Complaint by separate order.

CONCLUSIONS OF LAW

1. The State moves the Court to amend the Scheduling Order to permit additional time for discovery.
2. Generally, the district court has broad discretion in controlling the trial schedule. *State v. Sanders*, 598 N.W.2d 650, 654 (Minn. 1999).
3. The district court may amend a scheduling order on a showing of good cause. Minn. R. Civ. P. 16.02. “Except in unusual circumstances, a motion to extend deadlines under a scheduling order shall be made before the expiration of the deadline.” Minn. R. Gen. Prac. 111.04.


4. The State has commenced an immense lawsuit against CenturyLink alleging CenturyLink deceived and defrauded tens of thousands of consumers. The parties have actively engaged in this litigation prior to the commencement of the case. Each party brought a Motion to Compel Discovery earlier in the lawsuit. The previous Court ordered each party to fully respond to the other parties' discovery requests in late July 2018, approximately five weeks before the close of discovery. Even though the parties have engaged in discovery for a number of months, the State still has individuals to depose. The Court has granted the State's Motion to Amend the Complaint allowing the State, inter alia, to include additional consumers it claims CenturyLink has defrauded. The amended Complaint opens the door to the need for discovery beyond what the State has already identified. Moreover, the discovery CenturyLink provided in response to the Court's Order opened the door to the need for more depositions and discovery.
5. The previous Scheduling Order set the deadline for discovery as September 3, 2018. The State filed this motion approximately three weeks later on September 25, 2018, after the deadline for the completion of discovery had passed.
6. This is a large case that brings with it unusual circumstances. The lawsuit has been complicated by changes in the judicial assignment.
7. The parties have not yet filed their dispositive motions, and neither party was ready to proceed with trial on February 11, 2019. Given the extent of the case, it is necessary for the parties to have additional time to conduct discovery. The Court finds there is good cause to amend the Scheduling Order.

ORDER

1. Plaintiff's motion to amend the scheduling order is GRANTED.
2. Discovery shall be completed on or before October 11, 2019.

3. The parties shall appear for a hearing on the State's Motion for Summary Judgment on November 7, 2019, at 1:30 p.m. CenturyLink may also file a Motion for Summary Judgment to be heard on November 7, 2019, at 1:30 p.m.
4. The parties shall file and serve a proposed Findings of Fact, Conclusions of Law, and Order on their Motion for Summary Judgment on or before October 31, 2019, at 4:30 p.m. A copy of the proposed order shall be e-mailed to chambers in addition to being e-filed and served.
5. The parties shall appear for a pretrial in this matter on February 13, 2020, at 9:00 a.m. at the Anoka County Courthouse.
6. The parties shall appear for a Court Trial in this matter on March 2, 2020, at 9:00 a.m. at the Anoka County Courthouse. The parties are expected to be prepared for trial on all issues on March 2, 2020. The trial is anticipated to last 20 days, but will continue until its conclusion.
7. The Parties shall file and serve their witness list and exhibit list on or before February 2, 2020, at 4:30 p.m. The parties should confer regarding any stipulated exhibits and note which exhibits are stipulated to on the lists they submit to the Court at the time. If either party fails to submit a witness list or an exhibit list they may be prohibited from introducing any witnesses, evidence, or testimony at the trial.
8. A copy of this Order shall be sent to the parties or their attorneys, if any, by U.S. Mail or e-service as appropriate. Such service shall constitute due and proper notice for all purposes.

BY THE COURT:


Fountain Lindberg,
Bethany (Anoka
Judge)
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Bethany A. Fountain Lindberg
Judge of District Court